



# **Advanced Bill Drafting for...**

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**the Bold  
the Brave  
and the [~~Daring~~] Insane**



# **Presented by...**

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**Acting Director**

**Legislative Reference Bureau**

**State Capitol, Room 446**



# Topics Covered

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- A. Rulemaking
- B. Criminal Penalties
- C. Establishment of Boards and Commissions
- D. Numerous Identical Amendments
- E. Transfer of Functions
- F. Special, Revolving, and Trust Funds
- G. Amending Uncodified Session Laws
- H. Temporary Amendments -- “Drop Dead & Reenactment”

Page references are to Ninth edition of LRB Legislative Drafting Manual, which is being revised this year.



## **A. Rulemaking**

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See pp. 34-35

- Purpose of rulemaking is to authorize implementing agency to adopt rules to implement statutes.
- Authorize agency to adopt rules "under chapter 91". Chapter 91, HRS, the Hawaii Administrative Procedure Act, already requires, among other things, public notice, hearing, gubernatorial approval, and filing with LG. It is therefore unnecessary to restate this in your bill.
- See expedited rulemaking on page 35. This avoids the problems caused by a complete exemption from chapter 91.



## **B. Criminal Penalties**

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See pp. 32-33

- Do you **really** want to establish criminal penalties?
- Criminal convictions require proof beyond a reasonable doubt, as opposed to proof by a preponderance of evidence in civil cases. May also trigger right to counsel.
- If convicted persons are (in your opinion) realistically only likely to be made to pay fines upon conviction, you are better off making the penalty civil.



## **Criminal Penalties - Continued**

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- If establishing criminal penalties, use the categories established in the Penal Code on page 32. Using these categories, imposes established penalties (e.g., saying that a person "is guilty of a misdemeanor" automatically means the person is subject to a year in jail and a \$2,000 fine) that do not need to be spelled out.
- If you want to "jump categories" (e.g., misdemeanor level imprisonment but much higher fine), then classify according to length of imprisonment desired (e.g., "the person shall be guilty of a misdemeanor, but shall be subject to a maximum fine of \$100,000").



## **C. Establishment of Boards & Commissions**

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See p. 37 and item 12 on p. 38

- Think twice before establishing. Make sure it's something you really need/want.
- Can slow down the decision making, also need support.
- Establish the board "pursuant to section 26-34". That phrase alone takes care of gubernatorial appointment, senate confirmation, and staggered terms.
- Make sure the board is either organically a part of, or administratively attached to one of the departments. This is constitutionally required.



# Establishment of Boards & Commissions - Continued

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- Do **not** have board members appointed by someone in a different branch of government from where the board is placed (e.g., legislature appointing members of executive agency board). See item 10b on page 37 to get around this problem.





## **D. Numerous Identical Amendments**

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- Need to identify all statutory sections affected
- Must be able to make identical "word for word" substitution
- Drafter should physically examine every instance of intended substitution to confirm accuracy
- Follow examples in Sections 50 to 55 of Act shown on next slide

# Numerous Identical Amendments - continued

ACT 269

ACT 269

SECTION 4. This Act shall take effect upon its approval.

(Approved June 6, 1985.)

Note

1. Should probably read "206E-157".

ACT 269

H.B. NO. 240

A Bill for an Act Relating to the Commissioner of Financial Institutions.  
*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 401, Hawaii Revised Statutes, is amended by amending its title to read as follows:

**"CHAPTER 401  
[BANK EXAMINER]  
COMMISSIONER OF FINANCIAL INSTITUTIONS"**

SECTION 2. Section 401-1, Hawaii Revised Statutes, is amended to read as follows:

**"§401-1 [Bank examination division, bank examiner.] Division of financial institutions, commissioner of financial institutions.** (a) The director of commerce and consumer affairs with the approval of the governor, shall appoint a fit and competent person to perform the duties of the [bank examiner,] commissioner of financial institutions, whose principal duty will be to examine financial institutions and who shall also be known as the "examiner of financial institutions." The commissioner [who] may be removed by the director with the approval of the governor; provided that while there is any vacancy in the office of the [bank examiner,] commissioner, the director shall serve as ex officio [bank examiner,] commissioner. The [bank examiner] commissioner shall not be subject to chapters 76 and 77. The [bank examiner] commissioner may appoint one or more [assistant bank] examiners who may make examinations and audits, and, with the approval of the [bank examiner,] commissioner, sign reports of examination or audit.

(b) The salary of the [bank examiner] commissioner shall be set by the director of commerce and consumer affairs but shall not be more than the maximum salary of first deputies to department heads."

SECTION 3. Section 401-2, Hawaii Revised Statutes, is amended to read as follows:

**"§401-2 Disqualifications.** No person shall be [a bank] an examiner who is a director in or owner of any interest, or shares of stock, in any company or corporation that may be examined pursuant to this chapter."

SECTION 4. Section 401-4, Hawaii Revised Statutes, is amended to read as follows:

**"§401-4 Powers; report.** The [bank examiner] commissioner may when making an examination examine any of the officers of the corporations and agents of the business being examined, on oath, and for such purpose may administer oaths, and may order and cause to be produced by the officers, agents, or employees of the corporation, person, or company so being examined, all books of account, papers, documents, and securities under their possession or

SECTION 49. Section 449-1, Hawaii Revised Statutes, is amended by amending the definition of "bank examiner" to read as follows:

"(1) ["Bank examiner"] "Commissioner" means the [bank examiner] commissioner of financial institutions of this State."

SECTION 50. Sections 401-3, 401-5, 401-6, 401-7, 401-8, 401-9, 401-10, 401-11, 401-13, 401-16, 402-6, 402-11, 402-18, 403-14, 403-38.8, 403-53, 403-68, 403-75, 403-111, 403-209, 403-221, 406-14, 406-22, 406-24, 406-40, 407-11, 407-12, 407-14, 407-31, 407-34, 407-41, 407-55, 407-61, 407-72, 407-81, 407-83, 407-88, 407-90, 407-91, 407-95, 407-101, 407-104, 407-105, 407-113, 408-2.1, 408-8, 408-11.1, 408-14, 408-14.5, 408-15, 408-21, 408-21.5, 408-22, 408-23, 408-25, 408-32, 408A-4, 408A-6, 408A-7, 408A-8, 408A-9, 408A-10, 408A-12, 408A-13, 408A-14, 408A-15, 408A-16, 408A-17, 408A-18, 408A-19, 408A-21, 408A-22, 408A-24, 408A-25, 408A-26, 408A-28, 408A-31, 409-17, 409-28, 410-15.5, 449-2, 449-5, 449-6, 449-7, 449-7.5, 449-8, 449-9, 449-10, 449-11, 449-12, 449-13, 449-14, 449-15, 449-16, and 449-17, Hawaii Revised Statutes, are amended by substituting the word "commissioner" wherever the term "bank examiner" appears, as the context requires.

SECTION 51. Sections 402-3, 403-8, 403-13, 403-16, 403-23, 403-24, 403-25, 403-28, 403-29, 403-30, 403-31, 403-32, 403-33, 403-37, 403-40, 403-41, 403-44, 403-45, 403-46, 403-54, 403-55, 403-71, 403-73, 403-74, 403-75, 403-92, 403-171, 403-172, 403-173, 403-175, 403-178, 403-180, 403-181, 403-183, 403-184, 403-185, 403-192, 403-197, 403-198, 403-199, 403-200, 403-201, 403-202, 403-203, 403-205, 403-207, 403-208, 403-209, 403-210, 403-212, 403-213, 403-221, 404-6, 404-7, 405-2, 405-3, 405-8, 405-12, 405-20, 405-24, 405-27, 405-28, 406-3, 406-11, 406-12, 406-35, 406-37, 406-39, 406-51, 407-14, 407-15, 407-23, 407-35, 407-47, 407-48, 407-49, 407-94, 407-103, 408-10, 408-11, 409-5, 409-7, 409-10, and 409-11, Hawaii Revised Statutes, are amended by substituting the word "commissioner" wherever the term "director of regulatory agencies" or "director" appears, as the context requires.

SECTION 52. Sections 402-4, 402-7, 403-6, 403-26, 403-27, 403-34, 403-47.1, 403-49, 403-53, 403-67, 403-82, 403-93, 403-95, 403-96, 403-97, 403-98, 403-99, 403-103, 403-104, 403-105, 403-128, 403-141, 403-148, 403-174, 403-176, 403-177, 403-204, 403-206, 404-3, 404-10, 404-11, 404-12, 405-4, 405-5, 405-6, 405-9, 405-22, 405-26, 405-30, 405-31, 405-32, 406-1.5, 406-4, 406-22, 406-36, 406-61, 407-11, 407-46, 407-82, 407-105, 408-12, 409-3, and 409-13, Hawaii Revised Statutes, are amended by substituting the word "commissioner" wherever the term "director of regulatory agencies" appears, as the context requires.

SECTION 53. Sections 403-56, 407-102(c) and (d), 409-6, 409-9, and 409-13, Hawaii Revised Statutes, are amended by substituting the word "commissioner" wherever the term "director" appears, as the context requires.

SECTION 54. Sections 409-6, 409-9, 409-13, 409-14, 409-15, 409-18, 409-24, 409-25, and 409-30, Hawaii Revised Statutes, are amended by substituting the word "commissioner" wherever the term "director of regulatory agencies or the deputy bank examiner", "director or deputy bank examiner", or "deputy bank examiner" appears, as the context requires.

SECTION 55. Sections 53-34, 408-19, 416-33, 417-9, 417-16, 417E-1, 417E-3, 433-16, 441-24.5, and 478-8 are amended by substituting the term "commissioner of financial institutions" wherever the term "bank examiner" appears, as the context requires.



## **E. Transfer of Functions**

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See items 13-16 on pp. 38-39.

- This involves more than just changing the name of the agency in the statutory provisions that describe the functions.
- There are other "administrative" (i.e., "bureaucratic") issues that need to be taken care of. The boilerplate language in items 13 to 16 deal with a number of these issues. Use them unless you think them wholly inapplicable or inappropriate.



## F. Special, Revolving & Trust Funds

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See item 22, pp. 41-42

- Terms "special" and "revolving" fund generally used interchangeably.
- Theory for both (if used properly) -- **self-sustaining** (i.e., income matches or exceeds disbursements) fund of money to finance ongoing operations.
- Usual reason to establish is to enable agency or program to operate in a more independent or entrepreneurial manner.



# Special, Revolving, and Trust Funds - Continued

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- Trust funds -- considerably more separate existence (see, e.g., real estate recovery fund (section 467-16, HRS) which itself has standing to go to court, and which hires attorneys separate from its administering agency).
- Transfers of excess funds -- may be useful to include as a means of "selling" the idea of the fund you want to establish.
- Sections 36-27 and 36-30 provide for certain percentage of proceeds of each fund to be "scooped" for various administrative expenses. Need to amend these sections to exempt a fund from these expenses.



## **G. Amending Uncodified Session Laws**

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See Chapter 7, pp. 74-79

- Many statutory provisions are not published in the Hawaii Revised Statutes (HRS) or supplements.
- Reason -- HRS is a collection of the general and permanent laws of Hawaii.



# **Amending Uncodified Session Laws - Continued**

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- Examples of statutory provisions routinely not codified:
  - ◆ Ramseyer provisions
  - ◆ Purpose sections
  - ◆ Appropriations
  - ◆ Effective date sections
  - ◆ Executive, legislative, judicial, and OHA budgets
  - ◆ Bond authorizations (state bond bill, special purpose revenue bond authorizations)
  - ◆ New sections being added to existing HRS chapters if the Act is scheduled to "drop dead" (because these new sections will not be permanent)



# Amending Uncodified Session Laws - Continued

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- Caveat: Significant exception: Amendments to existing HRS sections are normally codified even if the Act making those amendments is scheduled to drop dead.
- Amendments to uncodified material are amendments to the Session Laws, not the Hawaii Revised Statutes.
  - ◆ Ramseyer prefatory language typically reads: "Act 0, Session Laws of Hawaii 2XXX is amended by amending section X to read as follows:"





# Amending Uncodified Session Laws - Continued

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- Amending a session law that has never been amended before is comparatively simple: just set out the text and indicate additions (by underscoring) and deletions (brackets and strike through) as you would in a bill amending HRS.
- However, amendments to uncodified material can "pile up", e.g., a 1995 Act can be amended by acts in 1996, 1997, 2000, etc. In these cases, it is important to make sure that the statutory "base" that you are amending is correct. You have to do your own compilation of the material (i.e., removing deleted material and underscoring from new material) because the revisor of statutes does not "revise" session laws.



# Amending Uncodified Session Laws - Continued

## ITEM #1

ACT 67

H.B. NO 898

A Bill for an Act Relating to the Establishment of An Agricultural Water System for Upcountry Maui.

### *Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The legislature finds that the leeward slopes of Haleakala Crater that make up the upcountry region of Maui are best suited for the commercial production of several agricultural crops that are unique or originated in this upcountry region of Maui. These crops are the Maui onion, protea, and persimmon. The legislature also finds that the region is impacted by severe droughts that cause serious interruption to the water supply over long periods of time. With increased emphasis on the development of diversified agricultural crops in the conversion of Hawaii's agricultural industry out of sugar, the opportunity is ripe to provide infrastructure improvements to this proven agricultural region. To make optimal use of this farming region, the legislature further finds that an agricultural water system is necessary for the economic and social benefit of the people of Hawaii and that such an undertaking is in the public interest.

The purpose of this Act is to establish a separate agricultural water supply and delivery system under the board of agriculture for the farms in the upcountry region of Maui.

SECTION 2. Notwithstanding any law to the contrary, the board of agriculture, in addition to any other powers granted, shall have the power to administer this Act, the board shall have the power to conduct surveys, studies, and engineering for the construction of water facilities to adequately serve the agricultural water demand of the upcountry region of Maui. It shall also have the power to operate, maintain, and improve the system, including setting, adjusting, and collecting water tolls to defray the cost of operation and to make the system self-sufficient, except as provided in section 3 of this Act. It shall further have the power to contract with other government agencies for the construction or financing of the system. The board of agriculture shall have the power of eminent domain to acquire the necessary easements, rights-of-way, and real property for diverting, conveying, pumping, storing, distributing, and transmitting agricultural water for agricultural uses and for such other purposes as may properly fall within the scope of its activities in creating, managing, controlling, operating, and maintaining the water system. The power of eminent domain shall be exercised in the manner and under the procedures provided by chapter 101, Hawaii Revised Statutes. It shall also have the power to adopt rules as may be necessary pursuant to chapter 91, Hawaii Revised

Statutes, for the purpose of carrying out this Act.

SECTION 3. The board of agriculture shall fix a development period for the construction of the system facilities authorized by this Act, not to exceed ten years from and including the first calendar year in which agricultural water is first delivered for the purposes of this Act. During this development period, the board of agriculture shall annually adjust and fix water tolls to be charged. The cost of operation and maintenance of the system may be subsidized through legislative appropriations and through government grants, loans, or reimbursements as may be made available from government entities.

SECTION 4. The moneys from the irrigation system revolving fund pursuant to section 167-22, Hawaii Revised Statutes, shall be expended upon warrants drawn by the comptroller for expenses directly attributable to the cost of the water system facilities authorized by this Act.

Notwithstanding any provision of this Act or any other law to the contrary, it is expressly provided that, in the event that it is found possible to secure federal funds made available under any act of Congress to be expended in connection with or for the construction of this project, the board of agriculture may enter into such undertaking with the proper agencies of the federal government, agree to such conditions, and perform such other acts and terms as may be necessary as a condition to securing the funding.

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii the sum of \$            or so much thereof as may be necessary for fiscal year 1999-2000 and \$            or so much thereof as may be necessary for fiscal year 2000-2001 to carry out the purposes of this Act.

SECTION 6. The sums appropriated shall be expended by the department of agriculture for the purposes of this Act.

SECTION 7. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 8. This Act shall take effect on July 1, 1999.

(Approved June 10, 1999.)



# Amending Uncodified Session Laws - Continued

ITEM #2

Page 2

H.B. NO.

HOUSE OF REPRESENTATIVES  
TWENTY-FIRST LEGISLATURE, 2000  
STATE OF HAWAII

H.B. NO.

## A BILL FOR AN ACT

RELATING TO AGRICULTURAL WATER SYSTEMS.

### BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Act 67, Session Laws of Hawaii 1999, is amended  
2 by adding two new sections to read as follows:

3 "SECTION 2A. (a) One way that this new section could have  
4 been added to an existing Act (uncodified session law) would  
5 have been to add in this new section as "SECTION 3" and renumber  
6 all the subsequent sections in this Act.

7 (b) By comparison, numbering this new section as "Section  
8 2A" and inserting it between existing SECTIONS 2 and 3 is much  
9 simpler. This approach is commonly used in adding new  
10 provisions to the state Executive Budget Act, because  
11 renumbering all subsequent sections is impractical in that large  
12 an act.

13 (c) Always designate the number of the new SECTION being  
14 added. Do not provide for it "to be appropriately designated"  
15 by the revisor of statutes. The revisor does not designate  
16 section numbers for uncodified materials.

17 SECTION 2B. For amending an uncodified session law:

1 (1) An entirely new section can be added to the existing  
2 Act by simply setting forth the new sections (of the  
3 Act) and underscoring them. The entire Act need not  
4 be set out.  
5 (2) If, however, you are amending an existing section  
6 within an Act, the Section to be amended should be set  
7 out in the manner as in the amendment of a subsection  
8 under the Ramseyer requirements, as shown in the next  
9 section."

10 SECTION 2. Act 67, Session Laws of Hawaii 1999, is amended  
11 by amending section 1 to read as follows:

12 "SECTION 1. The legislature finds that the leeward slopes  
13 of Haleakala Crater that make up the upcountry region of Maui  
14 are best suited for the commercial production of ~~several~~ a  
15 number of agricultural crops that are unique or originated in  
16 this upcountry region of Maui. These crops ~~are~~ include the  
17 Maui onion, protea, and persimmon. The legislature also finds  
18 that the region is impacted by severe droughts that cause  
19 serious interruption to the water supply over long periods of  
20 time. With increased emphasis on the development of diversified  
21 agricultural crops in the conversion of Hawaii's agricultural  
22 industry out of sugar, the opportunity is ripe to provide



# Amending Uncodified Session Laws - Continued

Page 3

H.B. NO.

1 infrastructure improvements to this proven agricultural region.  
2 To make optimal use of this farming region, the legislature  
3 further finds that an agricultural water system is necessary for  
4 the economic and social benefit of the people of Hawaii and that  
5 such an undertaking is in the public interest.

6 The purpose of this Act is to establish a separate  
7 agricultural water supply and delivery system under the board of  
8 agriculture for the farms in the upcountry region of Maui."

9 SECTION 3. Act 67, Session Laws of Hawaii 1999, is amended  
10 by amending section 5 to read as follows:

11 "SECTION 5. There is appropriated out of the general  
12 revenues of the State of Hawaii the sum of \$ or so  
13 much thereof as may be necessary for fiscal year 1999-2000 and  
14 [~~\$~~] \$10,000,000 or so much thereof as may be necessary  
15 for fiscal year 2000-2001 to carry out the purposes of this  
16 Act."

17 SECTION 4. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19 SECTION 5. This Act shall take effect on July 1, 2000.

**Note:** This is an **ALTERNATIVE** means of amending an Act without setting out the entire Act. This alternative accomplishes the same changes as Item #3.

# Amending Uncodified Session Laws - Continued

## ITEM #3

ACT 143

H.B. NO.

A Bill for an Act Relating to Water Systems.

*Be It Enacted by the Legislature of the State Hawaii:*

SECTION 1. Act 67, Session Laws of Hawaii 1999 is amended to read as follows:

"SECTION 1. The legislature finds that the leeward slopes of Haleakala Crater that make up the upcountry region of Maui are best suited for the commercial production of several a number of agricultural crops that are unique or originated in this upcountry region of Maui. These crops are include the Maui onion, protea, and persimmon. The legislature also finds that the region is impacted by severe droughts that cause serious interruption to the water supply over long periods of time. With increased emphasis on the development of diversified agricultural crops in the conversion of Hawaii's agricultural industry out of sugar, the opportunity is ripe to provide infrastructure improvements to this proven agricultural region. To make optimal use of this farming region, the legislature further finds that an agricultural water system is necessary for the economic and social benefit of the people of Hawaii and that such an undertaking is in the public interest.

The purpose of this Act is to establish a separate agricultural water supply and delivery system under the board of agriculture for the farms in the upcountry region of Maui.

SECTION 2. Notwithstanding any law to the contrary, the board of agriculture, in addition to any other powers granted, shall have the power to administer this Act. The board shall have the power to conduct surveys, studies, and engineering for the construction of water facilities to adequately serve the agricultural water demand of the upcountry region of Maui. It shall also have the power to operate, maintain, and improve the system, including setting, adjusting, and collecting water tolls to defray the cost of operation and to make the system self-sufficient, except as provided in section 3 of this Act. It shall further have the power to contract with other government agencies for the construction or financing of the system. The board of agriculture shall have the power of eminent domain to acquire the necessary easements, rights-of-way, and real property for diverting, conveying, pumping, storing, distributing, and transmitting agricultural water for agricultural uses and for such other purposes as may properly fall within the scope of its activities in creating, managing, controlling, operating, and maintaining the water system. The power of eminent domain shall be exercised in the manner and under the procedures provided by chapter 101, Hawaii Revised Statutes. It shall also have the power to adopt rules as may be necessary pursuant to chapter 91, Hawaii Revised Statutes, for the purpose of carrying out this Act.

SECTION 2A. (a) One way that this new section could have been added to an existing Act (uncodified session law) would have been to add in this new section as "SECTION 3" and renumber all the subsequent sections in this Act.

(b) By comparison, numbering this new section as "Section 2A" and inserting it between existing SECTIONS 2 and 3 is much simpler. This approach is commonly used in adding new provisions to the state Executive Budget Act, because renumbering all subsequent sections is impractical in that large an act.

(c) Always designate the number of the new SECTION being added. Do not provide for it "to be appropriately designated" by the revisor of statutes. The revisor does not designate section numbers for uncodified materials.

SECTION 2B. For amending an uncodified session law:

- (1) An entirely new section can be added to the existing Act by simply setting forth the new sections (of the Act) and underscoring them. The entire Act need not be set out.
- (2) If, however, you are amending an existing section within an Act, the Section to be amended should be set out in the same manner as in the amendment of a subsection under the Ramseyer requirements, as shown in the next section.

SECTION 3. The board of agriculture shall fix a development period for the construction of the system facilities authorized by this Act, not to exceed ten years from and including the first calendar year in which agricultural water is first delivered for the purposes of this Act. During this development period, the board of agriculture shall annually adjust and fix water tolls to be charged. The cost of operation and maintenance of the system may be subsidized through legislative appropriations and through government grants, loans, or reimbursements as may be made available from government entities.

SECTION 4. The moneys from the irrigation system revolving fund pursuant to section 167-22, Hawaii Revised Statutes, shall be expended upon warrants drawn by the comptroller for expenses directly attributable to the cost of the water system facilities authorized by this Act.

Notwithstanding any provision of this Act or any other law to the contrary, it is expressly provided that, in the event that it is found possible to secure federal funds made available under any act of Congress to be expended in connection with or for the construction of this project, the board of agriculture may enter into such undertaking with the proper agencies of the federal government, agree to such conditions, and perform such other acts and terms as may be necessary as a condition to securing the funding.

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii the sum of \$ or so much thereof as may be necessary for fiscal year 1999-2000 and [\$—] \$10,000,000 or so much thereof as may be necessary for fiscal year 2000-2001 to carry out the purposes of this Act.

SECTION 6. The sums appropriated shall be expended by the department of agriculture for the purposes of this Act.



# Amending Uncodified Session Laws - Continued

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SECTION 7. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 8. This Act shall take effect on July 1, 1999."

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect on July 1, 2000.

**Note:** Assume for purposes of this exercise that this measure is enacted as Act 143, Session Laws of Hawaii 2000.

# Amending Uncodified Session Laws - Continued

ITEM #4

Page 2

HOUSE OF REPRESENTATIVES  
TWENTY-FIRST LEGISLATURE, 2000  
STATE OF HAWAII

H.B. NO.

H.B. NO.

Alternative B

## A BILL FOR AN ACT

RELATING TO APPROPRIATIONS FOR AGRICULTURAL WATER SYSTEMS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Act 67, Session Laws of Hawaii 1999, as amended  
2 by Act 143, Session Laws of Hawaii 2000, is amended as follows:

### Alternative A

1. By repealing section 2B:

~~["SECTION 2B. For amending an uncodified session law:~~

~~(1) An entirely new section can be added to the existing  
Act by simply setting forth the new sections (of the  
Act) and underscoring them. The entire Act need not  
be set out.~~

~~(2) If, however, you are amending an existing section  
within an Act, the Section to be amended should be set  
out in the same manner as in the amendment of a  
subsection under the Ramseyer requirements, as shown  
in the next section."]~~

1. By amending section 2B to read:

~~"SECTION 2B. [For amending an uncodified session law:~~

~~(1) An entirely new section can be added to the existing  
Act by simply setting forth the new sections (of the  
Act) and underscoring them. The entire Act need not  
be set out.~~

~~(2) If, however, you are amending an existing section  
within an Act, the Section to be amended should be set  
out in the same manner as in the amendment of a  
subsection under the Ramseyer requirements, as shown  
in the next section.] Repealed."~~

2. By amending section 5 to read:

"SECTION 5. There is appropriated out of the general  
revenues of the State of Hawaii the sum of \$ or so  
much thereof as may be necessary for fiscal year 1999-2000 and  
\$10,000,000 or so much thereof as may be necessary for fiscal  
year 2000-2001 to carry out the purposes of this Act[-];  
provided that any funds that are unexpended or unencumbered  
shall not lapse until June 30, 2002."



# Amending Uncodified Session Laws - Continued

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Page 3

H.B. NO.

- 1       SECTION 2. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.  
3       SECTION 3. This Act shall take effect on June 29, 2001.

- Note:** (1) Unlike material published in the Hawaii Revised Statutes, the Revisor of Statutes does not publish updated versions of uncodified session law materials. Consequently, in further amending session law material that has previously been amended, it is necessary to find the current version of the relevant session law provision and update it yourself (i.e., remove any bracketed material (because that material is repealed) and remove the underscoring from under any material that has been added).
- (2) Either alternative "works" to repeal section 2B. The first is a straightforward repeal. If this course of action is followed, **DO NOT** renumber subsequent sections of the Act. If the drafter cannot bear the thought of the Act containing a "hole" for the repealed section, follow alternative B.
- (3) The prefatory language in section 1(2) (Alternative B) of the bill ("amending" section 2B) is correct. Although the contents of section 2B are clearly being repealed, what is technically occurring is that section 2B is being amended to consist of a single word: "Repealed". Because the Revisor of Statutes will not be publishing the "cleaned up" final form of the legislation, clearly stating in this manner that the material is in fact repealed will make it clear for future drafters to know the contents of this legislation.





# **Amending Uncodified Session Laws - Continued**

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- Tracking Session Law Amendments.
  - ◆ There is no "simple" or computerized way to track amendments to session laws. The only way to do it is to check the Table of Sections Affected at the back of the Session Laws volume for each year subsequent to the date of initial enactment.



# **Amending Uncodified Session Laws - Continued**

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- ◆ The Table is organized in order of HRS section numbers, and shows which acts amended a particular section.
  - The "non-HRS" material (i.e., uncodified session laws) is located at the end of the table, and is listed chronologically by Act number. This table must be searched to determine whether any amendments were made to the Act(s) in question, and if so, by what Act.
- ◆ If there are multiple amendments over the years, it may literally be necessary to cut and paste provisions together from those different Acts to establish your own statutory "base".



# **Amending Uncodified Session Laws - Continued**

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- ◆ For amendments to acts made during the most recent legislative session (if the Session Laws for that year have not yet been published), go to:
  - LRB's website @ <http://www.hawaii.gov/lrb/lib.html>
  - Then click on "LRB Reports"
  - Then click on "legislative session actions"
  - Scroll down to "Supplemental Information Relating to Bills Passed"
  - Click on the appropriate year
  - Publication consists of a subject index and a Table of Sections Affected.



# Uncodified Session Laws - How to Track Changes

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SESSION LAWS OF HAWAII

SEVENTEENTH STATE LEGISLATURE

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REGULAR SESSION OF 1993

# Uncodified Session Laws - How to Track Changes - Continued

## ACT 305

(b) Upon receipt of the return envelope from any person voting under this chapter, the clerk [or the officials of the absentee voting place shall deposit it in the correct absentee ballot box. Return envelopes which arrive after the closing of the polls shall be time stamped. The absentee ballot box shall be opened by the officials of the absentee ballot team as provided by rules adopted pursuant to chapter 91.] may prepare the ballots for counting pursuant to this section and section 15-10."

SECTION 11. There is appropriated out of the general revenues of the State of Hawaii the sum of \$47,000, or so much thereof as may be necessary for fiscal year 1994-1995, to provide for the cost of postage associated with the mailed distribution and return of absentee ballots.<sup>3</sup>

SECTION 12. Statutory material to be repealed is bracketed. New statutory material is underscored.<sup>4</sup>

SECTION 13. This Act shall take effect upon its approval; provided that Section 11 shall take effect on July 1, 1993.

(Approved June 21, 1993.)

### Notes

1. Prior to amendment "' appeared here.
2. Prior to amendment "the" appeared here.
3. No expending agency designated.
4. Edited pursuant to HRS §23G-16.5.

## ACT 305

H.B. NO. 2045

A Bill for an Act Relating to Release of Pretrial Inmates.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 353, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

**"§353- Release of pretrial inmates to prevent overcrowding.** (a) Notwithstanding the provisions of chapter 804 and any other law to the contrary and except as provided in subsection (b), the director may order the release of pretrial inmates on recognizance to prevent overcrowding when a community correctional center has reached capacity, as determined by the director. The director's order shall supersede and have the same force and effect as an order entered by a court pursuant to chapter 804. A copy of the director's order shall be filed with the court in which the charge against the inmate is pending.

(b) No person who has been denied bail or whose bail has been set at more than \$5,000 pursuant to chapter 804, or who has been charged with or convicted of or is on probation or parole for a serious crime, as defined in section 804-3, involving violence against a person shall be eligible for release pursuant to this section.

(c) The power to release an inmate pursuant to this section is granted solely for the purpose of managing the population of the community correctional centers and nothing herein shall be construed as granting any person the right to be released. An order releasing an inmate pursuant to this section shall not operate to dismiss or otherwise terminate any charges then pending against the inmate.

## ACT 306

(d) The State, its officers, and employees, shall not be subject to any civil liability or penalty, nor to any criminal prosecution, for any error in judgment or discretion made in good faith and upon reasonable grounds in any action taken or omitted by the State, its officers, and employees, in an official capacity under this section.

(e) The director shall adopt rules in accordance with chapter 91 for the release of inmates pursuant to this section.

**§353- Terms and conditions of release; violations; sanctions.** (a) A pretrial inmate released pursuant to section 353- shall be subject to the conditions stated in section 804-7.4. In addition, the director may impose any of the conditions which a court is authorized to impose pursuant to section 804-7.1 and shall impose any conditions contained in any court order superseded by the director's order.

(b) Intentional violations of the conditions of release shall be disposed of as provided in sections 804-7.2 and 804-7.3."

SECTION 2. No less than twenty days prior to the convening of the regular session of the legislature in 1994 and 1995, the director shall report the progress of the program, and make recommendations for further legislative action.

SECTION 3. New statutory material is underscored.<sup>1</sup>

SECTION 4. This Act shall take effect on July 1, 1993, and shall be repealed on June 30, 1995.

(Approved June 21, 1993.)

### Note

1. Edited pursuant to HRS §23G-16.5.

## ACT 306

S.B. NO. 363

A Bill for an Act Making an Appropriation to the City and County of Honolulu for the No Hope in Dope Program.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The "No Hope in Dope" program is a worthwhile educational program that seeks to teach students and their families about the dangers and effects of drug and alcohol abuse. The Honolulu police department's component of the project includes workshops for students and their families, parades, concerts, patches, discount cards, and comic books. The proposed van will be used to transport students to drug and alcohol treatment facilities and correctional facilities. Travel expenses are needed to take this program throughout the State. The Honolulu police department proposes to take twenty people on these neighbor island trips. The travel expenses include airfares, hotel rooms, meals, and van rentals.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$100,000, or so much thereof as may be necessary for fiscal year 1993-1994, for a grant-in-aid to the city and county of Honolulu police department's component of the "No Hope in Dope" program.



# Uncodified Session Laws - How to Track Changes - Continued

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## SESSION LAWS OF HAWAII

SEVENTEENTH STATE LEGISLATURE

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SPECIAL SESSION OF 1993

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REGULAR SESSION OF 1994

# Uncodified Session Laws - How to Track Changes - Continued

SLH 1994

ACT 195

ACT 196

ACT 195

H.B. NO. 3470

A Bill for an Act Relating to the Release of Pretrial Inmates.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Act 305, Session Laws of Hawaii 1993, is amended by amending section 1 to read as follows:

"SECTION 1. Chapter 353, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

**§353- Release of pretrial inmates to prevent overcrowding.** (a) Notwithstanding the provisions of chapter 804 and any other law to the contrary and except as provided in subsection (b), the director ~~or the director's designee~~ may order the release of pretrial inmates on recognizance to prevent overcrowding when a community correctional center has reached capacity, as determined by the director. The director's order shall supersede and have the same force and effect as an order entered by a court pursuant to chapter 804. A copy of the director's order shall be filed with the court in which the charge against the pretrial<sup>1</sup> inmate is pending.

(b) No person who has been denied bail or whose bail has been set at more than \$5,000 pursuant to chapter 804, or who has been charged with or convicted of or is on probation or parole for a serious crime, as defined in section 804-3, involving violence against a person shall be eligible for release pursuant to this section.

(c) The power to release a pretrial<sup>2</sup> inmate pursuant to this section is granted solely for the purpose of managing the population of the community correctional centers and nothing herein shall be construed as granting any person the right to be released. An order releasing a pretrial<sup>2</sup> inmate pursuant to this section shall not operate to dismiss or otherwise terminate any charges then pending against the pretrial<sup>1</sup> inmate.

(d) The State, its officers, and employees, shall not be subject to any civil liability or penalty[, nor to any criminal prosecution,] for any error in judgment or discretion made in good faith and upon reasonable grounds in any action taken or omitted by the State, its officers, and employees, in an official capacity under this section.

(e) The director shall adopt rules in accordance with chapter 91 for the release of pretrial<sup>1</sup> inmates pursuant to this section.

**§353- Terms and conditions of release; violations; sanctions.** (a) A pretrial inmate released pursuant to section 353- shall be subject to the conditions stated in section 804-7.4. In addition, the director may impose any of the conditions which a court is authorized to impose pursuant to section 804-7.1 and shall impose any conditions contained in any court order superseded by the director's order.

(b) [Intentional violations of the conditions of release shall be disposed of as provided in sections 804-7.2 and 804-7.3.] Every pretrial inmate released under this section shall be subject to the express condition, to be set forth in the official written notification of release, that release may be revoked by order of the director or the director's designee in the event that the pretrial inmate violates any terms or conditions of the release.

Upon receipt of specific information from an intake service center worker that a pretrial inmate has violated any of the terms or conditions of the release,

the director or the director's designee may order the arrest and temporary return to custody of the pretrial inmate for the purpose of ascertaining whether or not there is sufficient cause to warrant the revocation of the pretrial inmate's release under section 353- . The arrest order shall state the alleged violation which gave rise to its issuance.

Upon the retaking of the pretrial inmate into custody, hearing on the alleged violation shall be conducted promptly for the purpose of ascertaining whether or not there is sufficient cause to warrant the revocation of the pretrial inmate's release. The pretrial inmate shall have, with respect to the revocation hearing, those rights set forth in subsection 706-670 (3)(a), (3)(b), (3)(c), and (3)(d).

If sufficient cause for the alleged violation of terms or conditions of release is found at the hearing, the director or director's designee may impose different or additional conditions on the pretrial inmate's release or revoke the pretrial inmate's release. If sufficient cause is not found, the pretrial inmate shall be released from custody subject to all of the original terms and conditions of release.

Notice of reincarceration shall be filed with the court."

SECTION 2. No later than twenty days prior to the convening of the regular session of 1995, the director shall submit a written report on the recidivism rate of pretrial inmates released under this program.

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval, and shall be repealed on June 30, 1995.

(Approved June 21, 1994.)

## Notes

1. "Pretrial" should be underscored.
2. Prior to amendment "an" appeared here.

ACT 196

H.B. NO. 3472

A Bill for an Act Relating to the Employees' Retirement System.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The purpose of this Act is to increase the retirement allowance of public safety investigations staff investigators as defined in section 2.

Currently, public safety investigations staff investigators are noncontributory members of the employees' retirement system and entitled to a retirement allowance of one and one-fourth per cent of their respective average final compensation.

Under this Act, public safety investigations staff investigators as defined in section 2 of this Act shall be designated as contributory members of the employees' retirement system and entitled to a retirement allowance of two and one-half per cent of their respective average final compensation. As contributory members, they will be making social security deductions and be contributing

# Uncodified Session Laws - How to Track Changes - Continued

Section No.	Effect	Act No.	Section No.	Effect	Act No.
607-14	Am	74	<b>VOLUME 14</b>		
626-1 (rule 404)	Am	25			
634-21, 22	Am	9	706-620, 623	Am	229
C 634D	R	9	706-625	Am	5
657-8	Am	164	706-659	Am	229
662-16	Am	143	707-726, 727	Am	245
663-___	N	213	709-906	Am	182
663-___	N	250	712A-1, 2, 6, 10	Am	178
663-___	N	204	804-5	Am	181
674-5, 13	Am	Sp 8	806-73	Am	102

## B. SESSION LAWS OF HAWAII AFFECTED

S.L. No.	Effect	Act No.	S.L. No.	Effect	Act No.
Laws 1981 First Sp			Act 316	Am	252
Act 1	Am	252	Act 370	Am	281
Laws 1982			Act 371	Am	Sp 8
Act 264	Am	252	Laws 1990		
Laws 1984			Act 249	Am	162
Act 155	Am	149	Act 299	Am	252
Laws 1985			Act 300	Am	252
Act 300	Am	252	Act 339	Am	275
Laws 1986			Laws 1991		
Act 320	Am	281	Act 69	Am	162
Act 321	Am	Sp 8	Act 163	Am	Sp 8
Act 345	Am	252	Act 285	Am	41
Laws 1987			Act 296	Am	252
Act 45	Am	101	Act 299	Am	254
Act 95	Am	68	Act 314	Am	81
Act 216	Am	252	Act 317	Am	252
Act 217	Am	252	Act 329	Am	56
Act 283	Am	Sp 8	Act 334	Am	272
		281	Laws 1992		
Laws 1988			Act 32	Am	223
Act 96	Am	75	Act 130	Am	209
Act 202	Am	111	Act 159	Am	75
Act 237	Am	162	Act 195	Am	5
Act 390	Am	252	Act 227	Am	261
Laws 1988 Sp			Act 299	Am	134
Act 2	Am	252	Act 300	Am	252
Laws 1989			Act 301	Am	254
Act 217	Am	68	Laws 1993		
Act 314	Am	252	Act 29	Am	209

S.L. No.	Effect	Act No.	S.L. No.	Effect	Act No.
Act 30	R	10			165
Act 98	Am	275			252
Act 157	Am	56	Act 299	Am	Sp 6
Act 168	Am	171	Act 305	Am	195
Act 172	Am	81	Act 311	Am	241
Act 177	Am	162	Act 314	Am	Sp 8
Act 206	Am	35	Act 315	Am	230
Act 211	Am	11	Act 335	Am	17
		188	Act 344	Am	Sp 1
		193	Act 357	Am	276
Act 214	Am	33	Act 359	Am	200
Act 241	Am	75	Act 364	Am	82
Act 276	Am	253			272
Act 277	Am	254	Laws 1993 Sp		
Act 280	Am	151	Act 2	Am	252
		179	Act 8	Am	92
		190			186
Act 285	Am	76			188
Act 289	Am	Sp 2			193
		135			201

## C. SECTIONS OF HAWAIIAN HOMES COMMISSION ACT 1920

Section No.	Effect	Act No.	Section No.	Effect	Act No.
209	Am	37 109	213	Am	152

## D. SECTIONS OF STATE CONSTITUTION AFFECTED

Section No.	Proposed Effect	Bill or Act No.	Section No.	Proposed Effect	Bill or Act No.
Art VI, §3	Am	SB 2182	Art VII, §12	Am	280
		SB 2294	Art X, §1	Am	280
Art VI, §4	Am	SB 2513	Art X, §§2, 3	Am	272
		SB 2515			





# Uncodified Session Laws - How to Track Changes - Continued

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## SESSION LAWS OF HAWAII

EIGHTEENTH STATE LEGISLATURE

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REGULAR SESSION OF 1995

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SPECIAL SESSION OF 1995

# Uncodified Session Laws - How to Track Changes - Continued

## TABLES SHOWING EFFECT OF ACTS

### Eighteenth State Legislature 1995 Regular Session and Special Session

Key: Am = Amended — = Section number to be assigned in HRS Supplement  
N = New  
R = Repealed  
Sp = Special Session

#### A. SECTIONS OF HAWAII REVISED STATUTES AFFECTED

Section No.	Effect	Act No.	Section No.	Effect	Act No.
<b>VOLUME 1</b>			37-74	Am	11
6E-5.5, 8, 42	Am	187			161
11- (4 secs)	N	Sp 10	39A-52	Am	127
11- (4 secs)	N	Sp 27	40-35.5	Am	97
11-1, 2	Am	Sp 27	40-88	Am	175
11-5	Am	71	42D-1	Am	118
		Sp 27			
11-72, 76	Am	71	<b>VOLUME 2</b>		
11-191	Am	Sp 10	46-1.5	Am	236
		Sp 27	46-16	Am	173
11-192	Am	Sp 10	46-16.5	Am	98
11-193	Am	Sp 27	76-16	Am	145
11-194	Am	Sp 27			162
11-195	Am	Sp 10	84-15	Am	178
		Sp 27	84-17	Am	49
11-196, 198, 200, 203 to 205, 208, 209, 212 to 215	Am	Sp 10	84-18	Am	239
11-216	Am	Sp 27	84-21	Am	228
		Sp 10	84-31, 32	Am	220
11-217, 218, 219, 221 to 223, 227 to 229	Am	Sp 27	87- (4 secs)	N	217
12-8	Am	Sp 27	87-3	Am	183
26-1	Am	151	87-4.5, 6	Am	217
		Sp 27	87-24	Am	136
26-6, 8	Am	126	89-11	Am	202
26-9	Am	198			208
26-13	Am	189	92- (4 secs)	N	212
26-14.6	Am	58	92-7	Am	13
26-16	Am	69	92-28	Am	95
26-19	Am	25	92F-14	Am	242
27-11	Am	210	97- (4 secs)	N	220
28- (4 secs)	N	Sp 15	97-1, 3, 6, 7	Am	220
28-8	N	178	101-12, 35 to 38	Am	155
29- (4 secs)	N	73	103D- (4 secs)	N	199
36-21	Am	Sp 11	103D-102	Am	16
36-27, 30	Am	109			178
		Sp 11	103D-105	Am	178
		Sp 11	103D-204	Am	178
		211			211
36-31	Am	Sp 15	103D-209	Am	178
37- (4 secs)	N	Sp 15	103D-214	R	178
37-34, 35 to 37	Am	11	103D-302 to 306, 309, 321	Am	178
37-40	Am	Sp 11	C 104, pt I (heading)	N	181
37-41.5	Am	Sp 9	104-1	Am	181
37-53	Am	211	104-5	Am/R	181
			104-6 to 11	R	181

Section No.	Effect	Act No.	Section No.	Effect	Act No.
502-48	Am	141	<b>VOLUME 11</b>		
508D- (4 secs)	N	108	604-5	Am	94
508D-3	Am	172	607-25	Am	69
508D-13	Am	108	622- (4 secs)	N	190
514A-83.2, 83.3	Am	185	622-51	Am	190
514A-83.6	Am	28	663-8.7, 10.9	Am	130
514A-96	Am	185	671- (4 secs)	N	213
514A-121	Am	11	671-11, 19	Am	213
521-7	Am	43	673-10	Am	Sp 14
521-64	Am	42	674- (4 secs)	N	Sp 14
521-71	Am	41	674-2, 19	Am	Sp 14
560:3-1201	Am	31			
560:5-312D	R	189	<b>VOLUME 12</b>		
571-50	Am	189	701-108	Am	171
571-52.2	Am	125	706- (4 secs)	N	Sp 25
571-74, 84	Am	100	706- (4 secs)	N	205
572-5	Am	153	706-605	Am	215
572-7	R	153	706-606.3, 621, 623	Am	157
574-5	Am	152	707- (4 secs)	N	160
576D-6, 10.5, 11	Am	137	708-8120, 8121, pt XI	R	119
576E-8, 12	Am	191	709-906	Am	116
576E-16	Am	125	711- (4 secs)	N	159
576E-16.5	Am	191	806-73	Am	224
577- (4 secs)	N	227	846- (4 secs)	N	Sp 7
578-8	Am	37	846-2.5	Am	100
580-47	Am	107	846-10.5	Am	Sp 7
584-4	Am	106			
584-15	Am	107			

#### B. SESSION LAWS OF HAWAII AFFECTED

S.L. No.	Effect	Act No.	S.L. No.	Effect	Act No.
Laws 1979			Act 214	Am	174
Act 50			Act 249	Am	147
Laws 1981 1st Sp	Am	Sp 1	Act 299	Am	218
Act 13	Am	Sp 1	Act 300	Am	218
Laws 1984			Laws 1991		
Act 224	Am	Sp 1	Act 62	Am	130
Laws 1985			Act 69	Am	147
Act 300	Am	218	Act 151	Am	112
Laws 1986			Act 164	Am	117
Act 345	Am	218	Act 171	Am	Sp 1
Laws 1986 Sp			Act 240	Am	174
Act 2	Am	130	Act 268	Am	47
Laws 1987			Act 296	Am	218
Act 95	Am	241	Act 317	Am	218
Act 216	Am	218	Laws 1992		
Laws 1988			Act 194	Am	118
Act 209	Am	117	Act 231	Am	174
Act 237	Am	147	Act 300	Am	218
Act 390	Am	218	Laws 1993		
Laws 1988 Sp			Act 61	Am	112
Act 2	Am	218	Act 177	Am	147
Laws 1989			Act 211	Am	211
Act 300	Am	130	Act 224	Am	25
Act 314	Am	218	Act 238	Am	11
Act 316	Am	218			130
Laws 1990			Act 277	Am	Sp 18
Act 178	Am	189	Act 289	Am	218



# Uncodified Session Laws - How to Track Changes - Continued

S.L. No.	Effect	Act No.	S.L. No.	Effect	Act No.
→ Act 305	Am	156	Act 190	Am	61
Act 311	Am	Sp 16			232
Act 315	Am	176	Act 192	Am	211
Act 316	Am	157	Act 193	Am	211
Act 329	Am	238	Act 195	Am	156 ←
Act 339	Am	Sp 17	Act 200	Am	Sp 11
		Sp 32	Act 202	Am	Sp 2
Laws 1993 Sp			Act 212	Am	145
Act 8	Am	118			211
Laws 1994			Act 217	Am	5
Act 68	Am	241	Act 221	Am	60
Act 130	Am	Sp 12	Act 228	Am	Sp 16
Act 162	Am	147	Act 230	Am	176
Act 165	Am	65	Act 241	Am	Sp 16
Act 169	Am	143	Act 252	Am	218
Act 182	Am	116	Act 254	Am	Sp 18
Act 188	Am	178	Act 259	Am	Sp 5
		211	Act 281	Am	11

## C. SECTIONS OF HAWAIIAN HOMES COMMISSION ACT 1920 AFFECTED

Section No.	Effect	Act No.
HHCA §___	N	Sp 14

## D. SECTIONS OF STATE CONSTITUTION AFFECTED

Section No.	Proposed Effect	Bill No.
Art VII, §11	Am	SB 887



# Uncodified Session Laws - How to Track Changes - Continued

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SESSION LAWS OF HAWAII

EIGHTEENTH STATE LEGISLATURE

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REGULAR SESSION OF 1996

# Uncodified Session Laws - How to Track Changes - Continued

## B. SESSION LAWS OF HAWAII (SLH) AFFECTED

S.L.H. No.	Effect	Affected By Act No.	S.L.H. No.	Effect	Affected By Act No.
Laws 1971			Act 300	Am	287
Act 197	Am	287	Act 323	Am	287
Laws 1973			Laws 1993		
Act 218	Am	287	Act 157	Am	242
Laws 1974			Act 168	Am	19
Act 218	Am	287	Act 196	Am	104
Laws 1975			Act 211	Am	262
Act 195	Am	287	Act 240	Am	141
Laws 1976			Act 253	Am	31
Act 226	Am	287	Act 277	Am	244
Laws 1977 1st Sp			Act 289	Am	287
Act 10	Am	287	Act 305	Am	216
Laws 1978			Act 327	Am	144
Act 243	Am	287	Act 339	Am	307
Laws 1979			Act 359	Am	140
Act 214	Am	287	Act 364	Am	89
Laws 1980			Laws 1993 1st Sp		
Act 291	Am	304	Act 7	Am	287
Act 300	Am	287	Laws 1994		
Laws 1981 1st Sp			Act 98	Am	271
Act 1	Am	287	Act 169	Am	164
Laws 1982			Act 171	Am	19
Act 264	Am	287	Act 188	Am	262
Laws 1983			Act 192	Am	262
Act 283	Am	287	Act 193	Am	262
Act 301	Am	287	Act 195	Am	216
Laws 1984			Act 200	Am	140
Act 285	Am	287	Act 202	Am	83
Act 287	Am	287	Act 211	Am	252
Laws 1985			Act 221	Am	180
Act 300	Am	287			112
Laws 1986			Act 228	Am	249
Act 345	Am	287	Act 241	Am	249
Act 347	Am	287	Act 252	Am	287
Laws 1987			Act 254	Am	244
Act 216	Am	287	Act 272	Am	89
Act 217	Am	287	Laws 1995		
Laws 1988			Act 60	Am	112
Act 260	Am	104	Act 92	Am	132
Act 390	Am	287	Act 105	Am	102
Laws 1989			Act 156	Am	216
Act 314	Am	287	Act 178	Am	262
Act 316	Am	287	Act 205	Am	7
Laws 1990			Act 211	Am	262
Act 197	Am	104	Act 218	Am	273
Act 299	Am	287			287
Act 300	Am	287	Laws 1995 Sp		
Laws 1991			Act 2	Am	83
Act 272	Am	296	Act 5	Am	174
Act 278	Am	141	Act 11	Am	140
Act 296	Am	287	Act 16	Am	249
Act 317	Am	287	Act 18	Am	244
Laws 1992			Act 19	Am	176
Act 194	Am	13	Act 27	Am	13
		310			173



# Uncodified Session Laws - How to Track Changes - Continued

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SESSION LAWS OF HAWAII

NINETEENTH STATE LEGISLATURE

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REGULAR SESSION OF 1997

# Uncodified Session Laws - How to Track Changes - Continued

## B. SESSION LAWS OF HAWAII AFFECTED

S.L.H. No.	Effect	Affected By Act No.	S.L.H. No.	Effect	Affected By Act No.
Laws 1975			Act 314	Am	180
Act 82	Am	137	Act 339	Am	222
Laws 1981 Sp			Laws 1993 Sp		
Act 1	Am	328	Act 8	Am	180
Laws 1982					190
Act 263	Am	328	Laws 1994		
Act 264	Am	328	Act 165	Am	341
Laws 1983			Act 190	Am	358
Act 283	Am	328	Act 193	Am	352
Act 301	Am	328	Act 232	Am	216
Laws 1984			Act 252	Am	328
Act 285	Am	328	Act 275	Am	327
Act 287	Am	328	Laws 1995		
Laws 1985			Act 25	Am	309
Act 300	Am	328	Act 61	Am	358
Laws 1986			Act 65	Am	341
Act 321	Am	180	Act 105	Am	120
Act 345	Am	328	Act 118	Am	190
Laws 1987			Act 184	Am	187
Act 216	Am	328	Act 218	Am	328
Act 283	Am	180	Act 232	Am	358
Laws 1988			Laws 1995 Sp		
Act 390	Am	328	Act 17	Am	222
Laws 1989			Act 18	Am	155
Act 316	Am	328	Laws 1996		
Act 371	Am	180	Act 9	Am	2
Laws 1990			Act 13	Am	2
Act 299	Am	328	Act 20	Am	2
Act 339	Am	327	Act 87	Am	2
Laws 1991			Act 95	Am	209
Act 163	Am	180	Act 102	Am	120
Act 296	Am	328	Act 106	Am	135
Laws 1992			Act 173	Am	2
Act 194	Am	190	Act 244	Am	155
Act 211	Am	338	Act 262	Am	352
Act 279	Am	350	Act 272	Am	348
Act 300	Am	328	Act 286	Am	262
Laws 1993			Act 287	Am	328
Act 98	Am	327	Act 288	Am	244
Act 148	Am	350	Act 292	Am	335
Act 224	Am	309	Act 300	Am	200
Act 289	Am	328	Act 307	Am	222
			Act 310	Am	190

**No Amendments**



# Uncodified Session Laws - How to Track Changes - Continued

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SESSION LAWS OF HAWAII

NINETEENTH STATE LEGISLATURE

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REGULAR SESSION OF 1998



# Uncodified Session Laws - How to Track Changes - Continued

## B. SESSION LAWS OF HAWAII AFFECTED

S.L.H. No.	Effect	Affected By Act No.	S.L.H. No.	Effect	Affected By Act No.
Laws 1973			Act 263	Am	135
Act 218	Am	116	Act 289	Am	116
Laws 1974			Act 305	Am	227
Act 218	Am	116	Act 314	Am	115
Laws 1975			Act 317	Am	4
Act 82	Am	2	Act 331	Am	136
Act 195		116	Laws 1993 Sp		
Laws 1976			Act 8	Am	115
Act 226	Am	116	Laws 1994		
Laws 1981, 1st Sp			Act 75	Am	156
Act 1	Am	116	Act 111	Am	78
Laws 1982			Act 169	Am	311
Act 264	Am	116	Act 195	Am	227
Laws 1983			Act 200	Am	11
Act 301	Am	116	Act 252	Am	116
Laws 1984			Laws 1995		
Act 285	Am	116	Act 112	Am	292
Laws 1985			Act 143	Am	311
Act 300	Am	116	Act 156	Am	227
Laws 1986			Act 174	Am	248
Act 321	Am	115	Act 189	Am	133
Act 345	Am	116	Act 205	Am	152
Laws 1987			Act 218	Am	116
Act 216	Am	116	Laws 1995 Sp		
Act 283	Am	115	Act 16	Am	116
Laws 1988			Act 18	Am	126
Act 96	Am	156	Laws 1996		
Act 202	Am	78	Act 7	Am	152
Act 390	Am	116	Act 164	Am	311
Laws 1989			Act 216	Am	227
Act 179	Am	116	Act 244	Am	126
Act 316	Am	116	Act 258	Am	4
Act 371	Am	115	Act 262	Am	229
Laws 1990			Act 287	Am	116
Act 214	Am	248	Act 300	Am	127
Act 299	Am	116	Act 305	Am	121
Act 314	Am	47	Act 311	Am	118
Laws 1991			Laws 1997		
Act 151	Am	292	Act 118	Am	19
Act 163	Am	115	Act 137	Am	2
Act 240	Am	248	Act 155	Am	126
Act 296	Am	116	Act 180	Am	115
Laws 1992			Act 200	Am	127
Act 159	Am	156	Act 236	Am	11
Act 231	Am	248	Act 251	Am	11
Act 272	Am	116	Act 299	Am	272
Act 300	Am	116	Act 328	Am	116
Laws 1993			Act 350	Am	212
Act 61	Am	292	Act 367	Am	11
Act 241	Am	156	Act 378	Am	43

## C. SECTIONS OF HAWAIIAN HOMES COMMISSION ACT OF 1920 AFFECTED

Section No.	Effect	Act No.
HHCA 213	Am	27



# Uncodified Session Laws - How to Track Changes - Continued

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SESSION LAWS OF HAWAII

TWENTIETH STATE LEGISLATURE

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REGULAR SESSION OF 1999

# Uncodified Session Laws - How to Track Changes - Continued

## B. ACTS OF SESSION LAWS OF HAWAII AFFECTED

S.L.H. No.	Effect	Affected By Act No.	S.L.H. No.	Effect	Affected By Act No.
Laws 1968			Act 190	Am	128
Act 40		91	Act 195	Am	132
Laws 1971			Act 202	Am	112
Act 68	Am	91	Act 232	Am	194
Laws 1972			Act 252	Am	91
Act 202	Am	91	Laws 1995		
Laws 1975			Act 61	Am	128
Act 195	Am	91	Act 156	Am	132
Laws 1976			Act 184	Am	103
Act 226	Am	91	Act 218	Am	91
Laws 1977 1 <sup>st</sup> Sp			Act 232	Am	128
Act 10	Am	91	Act 234	Am	302
Laws 1978			Laws 1995 Sp		163
Act 243	Am	91	Act 1	Am	189
Laws 1979			Act 2	Am	112
Act 50	Am	189	Act 11	Am	160
Act 214	Am	91	Act 12	Am	28
Laws 1980			Act 17	Am	151
Act 288	Am	189	Act 27	Am	64
Act 300	Am	91			96
Laws 1981 1 <sup>st</sup> Sp			Laws 1996		141
Act 1	Am	91	Act 13	Am	64
Act 13	Am	189			96
Laws 1982			Act 122	Am	141
Act 264	Am	91	Act 144	Am	218
Laws 1983			Act 190	Am	29
Act 301	Am	91	Act 196	Am	101
Laws 1984			Act 203	Am	130
Act 224	Am	189	Act 216	Am	299
Act 285	Am	91	Act 257	Am	132
Laws 1985			Act 287	Am	54
Act 300	Am	91	Act 302	Am	91
Laws 1986			Act 311	Am	116
Act 345	Am	91	Laws 1997		113
Laws 1987			Act 128	Am	27
Act 216	Am	91	Act 131	Am	185
Laws 1988			Act 187	Am	103
Act 96	Am	98	Act 203	R	125
Act 390	Am	91	Act 216	Am	98
Laws 1989					129
Act 316	Am	91	Act 222	Am	135
Laws 1990			Act 251	Am	155
Act 86	Am	35	Act 328	Am	163
Act 299	Am	91	Act 339	Am	194
Laws 1991			Act 358	Am	304
Act 171	Am	189	Laws 1998		151
Act 240	Am	18	Act 53	Am	142
Act 296	Am	91	Act 78	Am	2
Laws 1992			Act 104	Am	91
Act 159	Am	98	Act 116	Am	93
Act 300	Am	91			128
Laws 1993					302
Act 241	Am	98			
Act 289	Am	91			
Act 305	Am	132			
Act 327	Am	29			
Act 339	Am	151			
Laws 1993 Sp					
Act 7	Am	91			
Laws 1994					
Act 75	Am	98			
Act 130	Am	28			

S.L.H. No.	Effect	Affected By Act No.	S.L.H. No.	Effect	Affected By Act No.
Act 118	Am	113	Act 170	Am	133
Act 138	Am	259	Act 176	Am	18
Act 142	Am	98			117
		129	Act 219	Am	18
		302	Act 227	Am	132
		135	Act 229	Am	18
		155	Act 234	Am	263
		163	Act 242	Am	18
		229	Act 246	Am	137
		304	Act 311	Am	18
Act 156	Am	98			

## C. SECTIONS OF HAWAIIAN HOMES COMMISSION ACT OF 1920 (HHCA) AFFECTED

HHCA Section No.	Effect	Affected By Act No.
HHCA 208	Am	17

# Uncodified Session Laws - How to Track Changes - Continued

## ACT 132

services pursuant to chapter 351, Hawaii Revised Statutes, by payments authorized by the crime victim compensation commission.

SECTION 3. The sums appropriated shall be expended by the department of public safety for the purposes of this Act.

SECTION 4. This Act shall take effect on July 1, 1999.

(Approved June 25, 1999.)

## ACT 132

S.B. NO. 1163

A Bill for an Act Relating to the Release of Pre-Trial Inmates.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Act 305, Session Laws of Hawaii 1993, as amended by Act 195, Session Laws of Hawaii 1994, as amended by Act 156, Session Laws of Hawaii 1995, as amended by Act 216, Session Laws of Hawaii 1996, and as amended by Act 227, Session Laws of Hawaii 1998, is amended as follows:

(1) By amending section 1 to read as follows:

“SECTION 1. Chapter 353, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

“§353- Release of pre-trial inmates to prevent overcrowding. (a) Notwithstanding chapter 804 and any other law to the contrary and except as provided in subsection (b), the director or a designee of the director may order the release of pre-trial inmates on recognizance to prevent or relieve overcrowding when a community correctional center has reached capacity, as determined by the director. The director’s order shall supersede and have the same force and effect as an order entered by a court pursuant to chapter 804. A copy of the director’s order shall be filed with the court in which the charge against the pre-trial inmate is pending.

(b) No pre-trial inmate who has been:

- (1) Denied bail or whose bail has been set at more than \$10,000 pursuant to chapter 804;
- (2) Charged with or convicted of or is on probation or parole for a serious crime, as defined in section 804-3, or for a crime involving violence against a person;
- (3) Found to be mentally defective or mentally incapacitated pursuant to section [707-700;] 704-400;
- (4) Convicted of three or more counts of contempt of court within the twelve month period immediately preceding the inmate’s present detention;
- (5) Arrested three or more times within the twelve month period immediately preceding the inmate’s present detention; or
- (6) Charged with a class C felony or misdemeanor offense involving risk to public safety as determined by the director or a designee of the director, shall be eligible for release pursuant to this section.

(c) Prior to the release of any inmate pursuant to this section, the director or a designee of the director shall notify the prosecuting authority that the inmate will be released pursuant to this section.

## ACT 132

(d) The power to release a pre-trial inmate pursuant to this section is granted solely for the purpose of managing the population of the community correctional centers and nothing in this section shall be construed as granting any person the right to be released. An order releasing a pre-trial inmate pursuant to this section shall not operate to dismiss or otherwise terminate any charges then pending against the pre-trial inmate.

(e) The State, its officers, and employees, shall not be subject to any civil liability or penalty for any error in judgment or discretion made in good faith and upon reasonable grounds in any action taken or omitted by the State, its officers, and employees, in an official capacity under this section.

(f) The director shall adopt rules in accordance with chapter 91 for the release of pre-trial inmates pursuant to this section.

§353- Terms and conditions of release; violations; sanctions. (a) A pre-trial inmate released pursuant to section 353- shall be subject to the conditions stated in section 804-7.4. In addition, the director may impose any of the conditions which a court is authorized to impose pursuant to section 804-7.1 and shall impose any conditions contained in any court order superseded by the director’s order.

(b) Every pre-trial inmate released under this section shall be subject to the express condition, to be set forth in the official written notification of release, that release may be revoked by order of the director or a designee of the director in the event that the pre-trial inmate violates any terms or conditions of the release.

Upon receipt of specific information from an intake service center worker that a pre-trial inmate has violated any of the terms or conditions of the release, the director or a designee of the director may order the arrest and temporary return to custody of the pre-trial inmate for the purpose of ascertaining whether or not there is sufficient cause to warrant the revocation of the pre-trial inmate’s release under section 353-. The arrest order shall state the alleged violation which gave rise to its issuance.

Upon the remanding of the pre-trial inmate into custody, hearing on the alleged violation shall be conducted promptly for the purpose of ascertaining whether or not there is sufficient cause to warrant the revocation of the pre-trial inmate’s release. The pre-trial inmate shall have, with respect to the revocation hearing, those rights set forth in section 706-670(3).

If sufficient cause for the alleged violation of terms or conditions of release is found at the hearing, the director or a designee of the director may impose different or additional conditions on the pre-trial inmate’s release or revoke the pre-trial inmate’s release. If sufficient cause is not found, the pre-trial inmate shall be released from custody subject to all of the original terms and conditions of release.

Notice of reincarceration shall be filed with the court.”

(2) By amending section 2 to read as follows:

“SECTION 2. No less than twenty days prior to the convening of the regular session of the legislature in each year from 1994 through [1999,] 2000, the director shall report the progress of the program, and make recommendations for further legislative action.”

(3) By amending section 4 to read as follows:

“SECTION 4. This Act shall take effect on July 1, 1993, and shall be repealed on June 30, [1999,] 2000.”

SECTION 2. Act 195, Session Laws of Hawaii 1994, as amended by Act 156, Session Laws of Hawaii 1995, as amended by Act 216, Session Laws of Hawaii

# Uncodified Session Laws - How to Track Changes - Continued

## ACT 133

1996, and as amended by Act 227, Session Laws of Hawaii 1998, is amended as follows:

(1) By amending section 2 to read as follows:

“SECTION 2. No later than twenty days prior to the convening of the regular session in each year from 1995 through [1999,] 2000, the director shall submit a written report to the legislature on the recidivism rate of pre-trial inmates released under this program.”

(2) By amending section 4 to read as follows:

“SECTION 4. This Act shall take effect upon its approval, and shall be repealed on June 30, [1999,] 2000.”

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect on June 29, 1999.

(Approved June 25, 1999.)

## ACT 133

S.B. NO. 1229

A Bill for an Act Relating to Housing.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The legislature finds that the State must do more to help Hawaii's homeless to become more stable by providing assistance with health, housing, and social issues so that they may be able to obtain and retain permanent housing and maintain economic independence and self-sufficiency in the long-term. It has been recognized and accepted that programs designed to assist homeless persons are more effective and efficient when a continuum of programs is provided.

The purpose of this Act is to continue funding for homeless assistance pursuant to chapter 201G, part IV, Hawaii Revised Statutes.

SECTION 2. Act 170, Session Laws of Hawaii 1998, is amended by amending section 6 to read as follows:

“SECTION 6. This Act shall take effect on July 1, 1998; provided that:

- (1) Section 2 shall take effect on July 1, [1999,] 2001; and
- (2) Section 1 shall be repealed on June 30, [1999,] 2001.”

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$600,000 or so much thereof as may be necessary for fiscal year 1999-2000 and \$600,000 or so much thereof as may be necessary for fiscal year 2000-2001 for the purpose of providing homeless assistance pursuant to chapter 201G, part IV, Hawaii Revised Statutes; provided that no funds shall be appropriated for the operation of a homeless shelter or facility that is provided in conjunction with the department of transportation.

SECTION 4. The sums appropriated shall be expended by the housing and community development corporation of Hawaii for the purposes of this Act.



# Uncodified Session Laws - How to Track Changes - Continued

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SESSION LAWS OF HAWAII

TWENTIETH STATE LEGISLATURE

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REGULAR SESSION OF 2000

# Uncodified Session Laws - How to Track Changes - Continued

## B. SESSION LAWS OF HAWAII AFFECTED

S.L.H. No.	Effect	Affected By Act No.	S.L.H. No.	Effect	Affected By Act No.
Laws 1983			Act 155	Am	112
Act 301	Am	281	Act 254	Am	96
Laws 1984			Act 314	Am	139
Act 285	Am	281	Act 328	Am	155
Laws 1985					281
Act 300	Am	281	Laws 1998		
Laws 1986			Act 101	Am	192
Act 345	Am	281	Act 116	Am	155
Act 347	Am	281			281
Laws 1987			Act 126	Am	112
Act 216	Am	281	Act 129	Am	110
Laws 1988			Act 162	Am	209
Act 390	Am	281	Act 178	Am	250
Laws 1989			Act 234	Am	240
Act 316	Am	281	Laws 1999		
Laws 1990			Act 60	Am	281
Act 299	Am	281	Act 74	Am	238
Laws 1991			Act 87	Am	91
Act 296	Am	281	Act 91	Am	281
Laws 1992			Act 93	Am	4
Act 300	Am	281	Act 115	Am	4
Laws 1993			Act 117	Am	206
Act 289	Am	281	Act 121	Am	243
Laws 1994			Act 122	Am	4
Act 212	Am	216	Act 155	Am	175
Act 252	Am	281	Act 156	Am	112
Laws 1995			Act 160	Am	184
Act 218	Am	281	Act 163	Am	4
Laws 1996			Act 172	Am	4
Act 220	R	121	Act 174	Am	4
Act 287	Am	281	Act 263	Am	240
Laws 1997			Act 304	Am	5
Act 77	Am	60			

## C. SECTIONS OF HAWAIIAN HOMES COMMISSION ACT OF 1920 (HHCA) AFFECTED

HHCA Section No.	Effect	Affected By Act No.	Section No.	Proposed Effect	Bill No.
HHCA 204	Am	119	Art. VII, §3	Am	SB2941
HHCA 215	Am	107	Art. X, §6	Am	SB0539

## D. SECTIONS OF STATE CONSTITUTION AFFECTED

**No Amendments**



# Uncodified Session Laws - How to Track Changes - Continued

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## *SUPPLEMENTAL INFORMATION*

RELATING TO BILLS PASSED

BY THE

HAWAII STATE LEGISLATURE

REGULAR SESSION OF 2001

SHOWING ACTIONS TAKEN AS OF

May 18, 2001

Prepared by the:



Legislative Reference Bureau  
State Capitol, Room 446  
415 South Beretania Street  
Honolulu, HI 96813

Caveat: While all data are believed accurate, they are subject to change pending confirmation against official records kept by the respective Chief Clerk's offices.



# Uncodified Session Laws - How to Track Changes - Continued

## B. SESSION LAWS OF HAWAII AFFECTED

S.L.H. No.	Effect	Bill or Act No.	S.L.H. No.	Effect	Bill or Act No.
Laws 1983 Act 109	R	SB1049 (Act 40)	Laws 1989 Act 282	R	SB1049 (Act 40)
Act 300	R	SB1049 (Act 40)	Act 314	Am	HB0200
Laws 1984 Act 141	R	SB1049 (Act 40)	Act 316	Am	HB0200
Act 145	R	SB1049 (Act 40)	Laws 1990 Act 299	Am	HB0200
Laws 1985 Act 96	R	SB1049 (Act 40)	Laws 1991 Act 239	R	SB1049 (Act 40)
Act 268	Am	SB1013	Act 296	Am	HB0200
Laws 1986 Act 147	R	SB1049 (Act 40)	Act 303	Am	SB0716
Act 190	R	SB1049 (Act 40)	Laws 1992 Act 300	Am	HB0200
Act 227	R	SB1049 (Act 40)	Laws 1993 Act 316	Am	HB0152
Laws 1987 Act 3	R	SB1049 (Act 40)	Act 327	Am	HB0612
Act 216	Am	HB0200	Act 339	Am	HB0596
Act 217	Am	HB0200	Laws 1995 Act 157	Am	HB0152
Act 228	Am	SB1013	Act 205	Am	HB0996
Act 263	R	SB1049 (Act 40)	Act 218	Am	HB0200
Act 304	R	SB1049 (Act 40)	Laws 1995 Sp Act 17	Am	HB0596
Laws 1988 Act 142	R	SB1049 (Act 40)	Laws 1996 Act 7	Am	HB0996
Act 224	R	SB1049 (Act 40)	Act 122	Am	SB1212
Act 273	R	SB1049 (Act 40)	Act 144	Am	HB0612
Act 297	Am	SB1049 (Act 40)	Act 196	Am	HB0613
Act 299	R	SB1049 (Act 40)	Act 287	Am	HB0200
Act 390	Am	HB0200			

S.L.H. No.	Effect	Bill or Act No.	S.L.H. No.	Effect	Bill or Act No.
Act 305	Am	SB0098	Act 106	Am	SB1212
Laws 1997 Act 222	Am	HB0596	Act 125	Am	HB0186
Act 304	R	SB1119	Act 127	Am	HB0201
Act 315	Am	HB0159	Act 140	Am	HB0201
Act 328	Am	HB0200	Act 146	Am	SB1126
Act 343	Am	SB0865	Act 165	Am	HB1159 (Act 55)
Act 380	Am	HB0692 (Act 3)	Act 206	Am	HB1089
Laws 1998 Act 116	Am	HB0200	Act 208	Am	SB1262
Act 121	Am	SB0098	Act 209	Am	SB1390
Act 152	Am	HB0996	Act 241	Am	HB0896
Act 162	Am	SB1390	Act 249	Am	HB1159 (Act 55)
Act 176	Am	SB0221	Act 250	Am	HB1159 (Act 55)
Laws 1999 Act 29	Am	HB0612	Act 253	Am	SB0499 (Act 37)
Act 87	R	HB0201			SB1096 (Act 90)
Act 91	Am	HB0200			SB1115
Act 116	Am	SB1106 (Act 74)	Act 281	Am	HB1159 (Act 55)
Act 117	Am	SB0221	Act 297	Am	HB1159 (Act 55)
		HB1089	Laws 2000 2nd Sp Act 1	R	HB0201
Act 130	Am	HB0613			
Act 146	Am	HB0240 (Act 20)			
Act 151	Am	HB0596			
Act 218	Am	SB1212			
Act 242	Am	HB0118			
Act 278	Am	SB0704			
Laws 2000 Act 91	Am	HB0201			



## **H. Temporary Acts & Amendments**

**("Repealed & Reenacted" Material)**

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See pp. 44-50

- Legislature may decide to make an Act or amendments to an existing law only temporary.
- This is accomplished by providing for the Act to "drop dead" (i.e., be repealed) on a specified future date.
- If the material subject to the drop dead is all "new" (i.e., being enacted for the first time by the Act that is subject to the drop dead provision), this is fairly straightforward.
- However, if the Act is amending existing language whether codified or uncoded, special precautions need to be taken.

# Temporary Acts & Amendments ("Repealed & Reenacted" Material) - continued

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- If an existing law is amended by an Act that drops dead (for example) one year after enactment, it is not certain what precisely drops dead.
  - ◆ Under normal circumstances, the measure's proponents probably intend only for the amendments made by that Act to drop dead.
  - ◆ However, the possibility remains that all of the underlying statutory language could be repealed along with the amendment at the time of the drop dead.
  - ◆ After all, the basic tenet of Ramseyering is that the provision is amended "to read as follows".

## **Temporary Acts & Amendments ("Repealed & Reenacted" Material) - continued**

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- To ensure that the underlying statutory material is not repealed at the time the Act drops dead, provide for the amended statutory provision to be "reenacted in the form in which it existed on the day before the approval of this Act." This causes the underlying law to revert to the form in which it existed before the amendments -- thus ensuring that those amendments are truly temporary.
- Things can become considerably more complicated, particularly when the same statutory provision is amended by two or more different Acts in two different years, both of which drop dead, but provide for the statute to be revived in the form in which it existed in each of two different years.



# **Temporary Acts & Amendments**

## **("Repealed & Reenacted" Material) - continued**

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- Suggested approach for dealing with these types of problems:
  - ◆ Don't Panic
  - ◆ Determine the parameters of the problem by identifying all Acts that have an impact upon the statutory provision in question.
  - ◆ Accomplish this by checking the tables of sections affected for every year since the first Act providing for repeal and reenactment.
  - ◆ Determine what will be lost if the statute reverts to any of the previous versions should any one of those "R & R" provisions come to pass.



# **Temporary Acts & Amendments**

## **("Repealed & Reenacted" Material) - continued**

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- Continued - Suggested approach for dealing with these types of problems:
  - ◆ Determine how you want the statute to ultimately (i.e., if no R&R provisions applied any longer) read.
  - ◆ Then figure out how to modify the various R&R provisions to achieve what you want.

# Temporary Acts & Amendments ("Repealed & Reenacted" Material) - continued

## Material Codified in HRS "R & R" shown

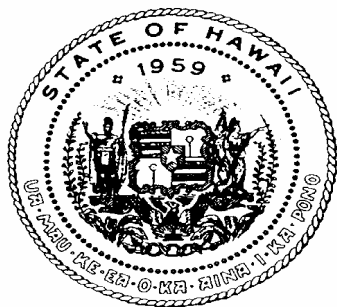
HAWAII REVISED STATUTES

2000 CUMULATIVE SUPPLEMENT

VOLUME 7

TITLES 20 - 21, CHAPTERS 346 - 398

FOR USE WITH THE 1993 REPLACEMENT VOLUME



PUBLISHED BY AUTHORITY

### CRIME VICTIM COMPENSATION

351-62.6

#### PART V. GENERAL PROVISIONS

§351-61 Terms of order. AMENDED. "Criminal injuries compensation commission" changed to "commission". L 1998, c 240, §5.

§351-62.5 Crime victim compensation special fund; when payments authorized. (a) There is established a crime victim compensation special fund from which the commission may make payments as provided in subsection (b). The fund shall be administered by the director of public safety for purposes of this chapter. Interest and investment earnings credited to the assets of the fund shall become part of the fund. Any balance remaining in the fund at the end of any fiscal year shall be carried forward for the next fiscal year.

(b) Where the commission has made an award pursuant to this chapter, the commission shall make the payments to or on behalf of the victim or one or more of the dependents of a deceased victim, or to or for the benefit of other persons who have suffered pecuniary loss or incurred expenses on account of hospital, medical, funeral, or burial expenses as a result of the victim's injury or death. Victims or dependents entitled to receive awards shall be notified of the option to have payments made on their behalf to other designated persons. Payments made pursuant to this section shall not exceed the total amount of the award.

(c) The amount appropriated under section 351-70 shall be redeposited into the fund and applied to other payments as authorized by the commission.

(d) [For repeal on July 1, 2001, see L 1999, c 278, §7.] Funds received pursuant to section 354D-12(b)(1) and amounts received pursuant to sections 351-35, 351-62.6, 351-63, 706-605, and 853-1 shall be deposited into the crime victim compensation special fund. Moneys received shall be used for compensation payments, operating expenses, salaries of positions as authorized by the legislature, and collection of fees. The commission may enter into memorandums of agreement with the judiciary for the collection of fees by the judiciary; provided that no funds shall be deposited by the judiciary into the crime victim compensation special fund until collected. [L 1972, c 61, §1f; am L 1974, c 204, §1; am L 1988, c 322, §1; am L 1992, c 125, §1; am L 1993, c 219, §3; am L 1998, c 206, §3 and c 240, §§5, 7; am L 1999, c 278, §4; am L 2000, c 115, §1]

§351-62.6 Compensation fee. (a) The court shall impose a compensation fee upon every defendant who has been convicted or who has entered a plea under section 853-1 and who is or will be able to pay the compensation fee. The amount of the compensation fee shall be commensurate with the seriousness of the offense as follows:

- (1) Not less than \$100 nor more than \$500 for a felony;
- (2) \$50 for a misdemeanor; and
- (3) \$25 for a petty misdemeanor.

The compensation fee shall be separate from any fine that may be imposed under section 706-640 and shall be in addition to any other disposition under this chapter; provided that the court shall waive the imposition of a compensation fee if the defendant is unable to pay the compensation fee. Moneys from the compensation fees shall be deposited into the crime victim compensation special fund under section 351-62.5.

(b) The criteria of section 706-641 may apply to this section. In setting the amount of the compensation fee to be imposed, the court shall consider all relevant factors, including but not limited to:

- (1) The seriousness of the offense;

# Temporary Acts & Amendments ("Repealed & Reenacted" Material) - continued

ACT 278

SECTION 4. This Act shall take effect upon its approval.

(Approved July 6, 1999.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 278

H.B. NO. 955

A Bill for an Act Relating to Crime.

*Be It Enacted by the Legislature of the State of Hawaii:*

## PART I.

SECTION 1. Chapter 711, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§711- Violation of privacy in the first degree. (1) A person commits the offense of violation of privacy in the first degree if, except in the execution of a public duty or as authorized by law, the person intentionally or knowingly installs in any private place, without consent of the person or persons entitled to privacy therein, any device for observing, photographing, videotaping, filming, recording, amplifying, or broadcasting another person in a stage of undress or sexual activity in that place, or uses any such unauthorized installation.

(2) Violation of privacy in the first degree is a class C felony.”

SECTION 2. Section 711-1111, Hawaii Revised Statutes, is amended to read as follows:

“§711-1111 Violation of privacy[.] in the second degree. (1) A person commits the offense of violation of privacy in the second degree if, except in the execution of a public duty or as authorized by law, the person intentionally:

- (a) Trespasses on property for the purpose of subjecting anyone to eavesdropping or other surveillance in a private place; or
- (b) Installs in any private place, without consent of the person or persons entitled to privacy therein, any device for observing, photographing, videotaping, filming, recording, amplifying, or broadcasting sounds or events in that place[.] other than another person in a stage of undress or sexual activity, or uses any such unauthorized installation; or
- (c) Installs or uses outside a private place any device for hearing, recording, amplifying, or broadcasting sounds originating in that place which would not ordinarily be audible or comprehensible outside, without the consent of the person or persons entitled to privacy therein; or
- (d) Intercepts, without the consent of the sender or receiver, a message by telephone, telegraph, letter, electronic transmission, or other means of communicating privately; but this subsection does not apply to:
  - (i) Overhearing of messages through a regularly installed instrument on a telephone party line or an extension; or
  - (ii) Interception by the telephone company, electronic mail account provider, or telephone or electronic mail subscriber incident to enforcement of regulations limiting use of the facilities or incident to other operation and use; or

ACT 278

- (e) Divulges without the consent of the sender or the receiver the existence or contents of any message by telephone, telegraph, letter, electronic transmission, or other means of communicating privately, if the accused knows that the message was unlawfully intercepted, or if the accused learned of the message in the course of employment with an agency engaged in transmitting it[.]; or
- (f) Knowingly possesses materials created under circumstances prohibited in section 711-
- (2) Violation of privacy in the second degree is a misdemeanor.”

## PART II.

SECTION 3. The primary purpose of this Part is to maintain support for the crime victim compensation commission until it is self-sufficient and independent of state appropriations. In working towards self-sufficiency, the commission must be given three to five years to build its revenues. California's crime victim board is an example of a program that came from being millions of dollars in debt to being able to provide rebates in the form of monetary incentives to the judiciary and corrections. Across the nation, twenty-nine states are able to maintain self-sufficiency through a system of compensation fees, civil recoveries, and restitution and are not dependent on general fund appropriations. Of the remaining twenty-one states, twelve fund their programs through general fund appropriations, a federal grant, and offender assessments and nine are funded by general fund appropriations and a federal grant. During the first six months of implementation, the commission received \$105,000 in revenues. This is far short of the resources needed to operate an effective program.

SECTION 4. Section 351-62.5, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows: ←

“(d) Funds received pursuant to section 354D-12(b)(1) and amounts received pursuant to sections 351-35, 351-62.6, 351-63, and 706-605 shall be deposited into the crime victim compensation special fund. Moneys received shall be used for compensation payments, [and] operating expenses, [of which not more than thirty per cent shall be used for operating expenses and to fund] salaries of positions as authorized by the legislature[.], and collection of fees. The commission may enter into memorandums of agreement with the judiciary for the collection of fees by the judiciary; provided that no funds shall be deposited by the judiciary into the crime victim compensation special fund until collected.”

SECTION 5. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 6. Statutory material to be repealed is bracketed. New statutory material is underscored.<sup>1</sup>

SECTION 7. This Act shall take effect upon its approval; provided that Section 4 shall take effect on July 1, 1999, and shall be repealed on July 1, 2001. ←

(Approved July 6, 1999.)

Note

1. Edited pursuant to HRS §23G-16.5.





# Temporary Acts & Amendments ("Repealed & Reenacted" Material) - continued

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Provision that **WOULD HAVE ENSURED** that underlying statutory language in section 351-62.5(d) would not be repealed

If Effective Date provision had instead read:

SECTION . This Act shall take effect upon its approval; provided that:

- (1) Section 4 shall take effect on July 1, 1999 and shall be repealed on July 1, 2001; and
- (2) Section 351-62.5(d), Hawaii Revised Statutes, is reenacted in the form in which it read on the day before the approval of this Act.

\_\_\_\_(*Underscoring added for explanatory purposes only*)

The language added by paragraph (2) ensures that the underlying statutory language (i.e., the language that existed prior to the amendment made by Act 278) is not also repealed when the Act "drops dead" on July 1, 2001.



# Temporary Acts & Amendments ("Repealed & Reenacted" Material) - continued

## Amendments to section 351-62.5(d) made permanent.

### Report Title:

Crime Victim Compensation; Deposits into Special Fund

Page 2

S.B. NO.

704  
S.D. 1  
H.D. 2  
C.D. 1

### Description:

Repeals sunset date of 7/1/01, of deposits into crime victim compensation special fund; exempts the executive director and administrative assistant of the commission from the civil service law; appropriates funds to compensate crime victims and their providers. (CD1)

THE SENATE  
TWENTY-FIRST LEGISLATURE, 2001  
STATE OF HAWAII

S.B. NO.

704  
S.D. 1  
H.D. 2  
C.D. 1

## A BILL FOR AN ACT

RELATING TO CRIME VICTIM COMPENSATION.

### BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 351-69, Hawaii Revised Statutes, is  
2 amended to read as follows:  
3 "§351-69 Commission staff. Supervisory, administrative,  
4 and clerical personnel necessary for the efficient functioning  
5 of the commission shall be appointed as provided in section 26-  
6 35. An executive director and an administrative assistant shall  
7 be appointed, without regard to chapters 76 and 77, for the  
8 proper administration and enforcement of this chapter."  
9 SECTION 2. Act 278, Session Laws of Hawaii 1999, is ←  
10 amended by amending section 7 to read as follows:  
11 "SECTION 7. This Act shall take effect upon its approval;  
12 provided that Section 4 shall take effect on July 1, 1999[~~7, and~~  
13 ~~shall be repealed on July 1, 2001~~]."  
14 SECTION 3. There is appropriated out of the general  
15 revenues of the State of Hawaii the sum of \$450,000, or so much

1 thereof as may be necessary, for fiscal year 2001-2002 to be  
2 deposited into the crime victim compensation special fund.  
3 SECTION 4. There is appropriated out of the crime victim  
4 compensation special fund the sum of \$450,000 or so much thereof  
5 as may be necessary for fiscal year 2001-2002 for the sole  
6 purpose of compensating certain persons or their providers of  
7 services pursuant to chapter 351, Hawaii Revised Statutes, by  
8 payments authorized by the crime victim compensation commission.  
9 SECTION 5. The sums appropriated in sections 3 and 4 of  
10 this Act shall be expended by the department of public safety  
11 for the purposes of this Act.  
12 SECTION 6. The crime victim compensation commission shall  
13 submit a report to the legislature at least twenty days prior to  
14 the convening of the regular session of 2002 that shall include  
15 but not be limited to the following:  
16 (1) The maximum amount of fees that could have been  
17 collected by the courts during fiscal year 2000-2001  
18 in accordance with section 351-62.5, Hawaii Revised  
19 Statutes;  
20 (2) The total amount deposited by the courts for fiscal  
21 year 2000-2001 in accordance with section 351-62.5,  
22 Hawaii Revised Statutes; and  
23 (3) An analysis of any discrepancies between the amounts  
24 determined in paragraphs (1) and (2), including  
25 recommendations of maximizing the amount of fees  
26 deposited into the fund.  
27 SECTION 7. Statutory material to be repealed is bracketed  
28 and stricken. New statutory material is underscored.  
29 SECTION 8. This Act shall take effect on July 1, 2001,  
30 except that section 2 shall take effect on June 30, 2001.



# Temporary Acts & Amendments ("Repealed & Reenacted" Material) - continued

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## COMPLEX R & R

SECTION 3. Act 142, Session Laws of Hawaii 1998, is amended by amending section 9 to read as follows:

"SECTION 9. This Act shall take effect upon its approval and shall be repealed on July 31, 2003, provided that:

- (1) Section 3 of this Act shall not be repealed;
- (2) Sections 36-27 and 397-5(b), Hawaii Revised Statutes, shall be reenacted in the form in which they read on the day before the approval of this Act[.]; and
- (3) The amendments made to section 36-27, Hawaii Revised Statutes, by Act 142, Session Laws of Hawaii 1998, shall not be repealed when section 36-27, Hawaii Revised Statutes, is reenacted pursuant to section 13 of Act 216, Session Laws of Hawaii 1997."

\_\_\_\_(*Underscoring denotes material being added by amendment*)

The first phrase of this section provides for the Act to "drop dead", and paragraph (2) ensures that the underlying language of sections 36-27 and 397-5(b) are not repealed when the drop dead occurs.

However, note that paragraph (1) also provides for section 3 of the Act to survive the drop dead.



# **Temporary Acts & Amendments ("Repealed & Reenacted" Material) - continued**

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## **COMPLEX R & R - Continued**

Additionally, paragraph (3) protects against the fact that section 36-27 is subject to repeal and reenactment provisions in two separate laws enacted in two different years. Specifically:

- Act 216 made temporary amendments in 1997, and Act 142 (the measure being amended by this provision) made amendments in 1998. Both provide for repeal and reenactment.
- The amendments to section 36-27 made by Act 142 (as noted by the lead in language of the example) are scheduled to remain in place until July 31, 2003.
- However, these amendments could be cut off at an earlier date when Act 216 drops dead (before July 31, 2003) and reverts section 36-27 to the form in which it existed in 1997.

Therefore, paragraph (3) prevents this problem from developing by providing for the 1998 amendments (made by Act 142) to survive the repeal and reenactment required by the 1997 law (Act 216).

Another way to prevent the 1998 amendments from being repealed before the intended July 31, 2003 date would be to amend the 1997 law (Act 216), to remove the drop dead provision, thereby making it permanent.



# **Temporary Acts & Amendments** **("Repealed & Reenacted" Material) - continued**

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## **\*\*\*Fallback Position\*\*\***

If worst comes to worst and you find everything is hopelessly muddled, even after you've gotten good help:

Draft a bill that repeals ALL of the R&R provisions in all of the relevant acts, thereby making everything permanent, and then set forth the statutory provision in the form that you want it to ultimately read. With luck, your proposal, when introduced into the Legislature, may keep the focus away from the R&R provisions and direct the attention and discussion to how the statute should read in its ultimate form.

